

REMARKS

Claims 1-4, 6-10, and 12-21 are pending in this application, with claims 1-4, 6, 12, 15, 17, 18, and 20 being withdrawn from consideration. By this Amendment, claims 1, 7, 8, 10, 16, 17, and 21 are amended for clarity. Support for the amendments may be found at least in original claim 8, paragraph [0083], and FIG. 6. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

The Office Action objects to claim 7 for an alleged informality. However, the amendment to claim 7 renders the objection moot. Applicants respectfully request withdrawal of the objection.

The Office Action rejects claims 7-11, 13, 14, and 21 under 35 U.S.C. §112, second paragraph, as allegedly omitting an essential element or an essential structural cooperative relationship. Applicants respectfully traverse the rejection.

In order for a claim to be rejected under §112, second paragraph, it must omit matter that has been "disclosed" to be essential to the invention as described in the specification" (MPEP §2172.01). Applicants specification does not disclose that a controller is essential to the invention; nor does it disclose that it is essential that the network driver be connected with "other units." Thus, the rejection is improper. However, in order to expedite prosecution, Applicants amend claims 7 and 21 to include a controller and/or clarify the relationship of the network driver to the communication unit. Accordingly, the rejection is moot. Applicants respectfully request withdrawal of the rejections.

The Office Action rejects claims 7-11, 13, 14, and 21 under 35 U.S.C. §102(b) over U.S. Patent No. 6, 907, 255 to Kawamoto. Applicants respectfully traverse the rejection.

Kawamoto at least fails to disclose a controller or navigation processing portion that: "starts-up a network driver when an accessory signal causing the navigation device to be

supplied with electric power is received from the vehicle; causes the communication portion to communicate with the server, prior to initiating start-up of other device drivers, to determine if there is any pre-specified distribution data in the server; if there is no pre-specified distribution data in the server, starts-up the other device drivers; and if there is pre-specified distribution data in the server, causes the communication portion to communicate with the server to receive the pre-specified distribution data and starts-up the other device drivers after the pre-specified distribution data is received from the server," as recited in claims 7 and 21.

The Office Action relies on col. 6, lines 26-40, and col. 12, lines 7-40, as allegedly disclosing these features. The Office Actions reliance on Kawamoto is misplaced for at least the following reasons.

First, Kawamoto begins the disclosure of the operation of the portable terminal 81, with the portable terminal 81 is already on and operating, i.e., "started-up." For example, the description of the method simply starts with a user operating the portable terminal to connect with a telephone system network (C6/L27-30 and Step S1 of FIG. 4). Thus, according to the disclosure of Kawamoto, the portable terminal 81 is started-up before any data from the server has been received. As a result, Kawamoto fails to disclose that the portions of the navigation device that are not necessary for communication with the server are not started-up until after the data from the server has been received, as recited in claims 7 and 21.

However, even if Kawamoto could be interpreted as disclosing that portions of the portable terminal 81 are not started-up until used (which is not disclosed and which Applicants traverse), Kawamoto still discloses that prior to establishing communication with the portable telephone system network 82, a user must operate the input section 96 of the portable terminal 81 to establish the connection (C6/L27-30 and Step S1 of FIG. 4). Thus, before communication with the telephone system network 82, at least the input section 96

must be started-up. Furthermore, it is well known in the art that while inputting information into a portable telephone device with a display, such as portable terminal 81, the display (e.g., display section 95) is active in order that a user may view the information being input. Thus, the display must also be started-up before communication. Finally, Kawamoto discloses that during the communication the CPU 91 (based on programs stored in ROM 92) stores information in the RAM 93 (C6/L29-34 and C5/L58-60). Accordingly, the CPU 91, ROM 92, and RAM 93 are activated before or at the same time as communication with the telephone system network 82. Thus, according to the disclosure of Kawamoto, all portions of the portable terminal 81 are started-up before the data from the server has been received. As a result, Kawamoto fails to disclose that the portions of the navigation device that are not necessary for communication with the server are not started-up until after it checked whether there is pre-specified data and/or after the pre-specified data is received from the server, as recited in claims 7 and 21.

Because Kawamoto fails to disclose that the portions of the navigation device that are not necessary for communication with the server are not started-up until after the data from the server has been received, claims 17 and 21 are patentable over Kawamoto. Further, claims 8-11, 13, and 14 are patentable for at least the reasons that claims 7 and 21 are patentable, as well as for the additional features that they recite.

The Office Action rejects claim 7 under 35 U.S.C. §102(b) over JP A 2001-148092 to Ito. Applicants respectfully traverse the rejection.

Ito at least fails to disclose a controller that: "starts-up a network driver when an accessory signal causing the navigation device to be supplied with electric power is received from the vehicle; causes the communication portion to communicate with the server, prior to initiating start-up of other device drivers, to determine if there is any pre-specified distribution data in the server; if there is no pre-specified distribution data in the server, starts-

up the other device drivers; and if there is pre-specified distribution data in the server, causes the communication portion to communicate with the server to receive the pre-specified distribution data and starts-up the other device drivers after the pre-specified distribution data is received from the server," as recited in claim 7. Accordingly, claim 7 is patentable over Ito. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 16 and 19 under 35 U.S.C. §102(e) over U.S. Patent 6,650,970 to Odashima et al. Applicants respectfully traverse the rejection.

Odashima at least fails to disclose "means for instructing, prior to initiating start-up of other device drivers, the network driver to communicate with a server, to determine if there is any pre-specified distribution data in the server; means for starting-up the other device drivers if the pre-specified distribution data is not in the server; and means for receiving the pre-specified distribution data from the server using the network driver if there is the pre-specified distribution data in the server and starting-up the other device drivers after the pre-specified distribution data is received from the server," as recited in claim 16.

The Office Action relies on col. 4, line 43 - col.5, lines 65, as allegedly disclosing these features. However, neither that portion of Odashima, nor any other portion of Odashima, discloses when various parts of the terminal 40 start-up relative to a communication. Instead, that portion of Odashima simply discloses the controller 42 determining whether a contract period has expired. Thus, Odashima fails to disclose the various means of claim 16.

Accordingly, claim 16 is patentable over Odashima. Further, claim 19 is patentable for at least the reasons that claim 16 is patentable, as well as for the additional features that it recites. Applicants respectfully request withdrawal of the rejection.

For at least the reasons set forth in the April 14, 2006 Amendment, Applicants maintain that the Office Action's reliance on MPEP §2114, is misplaced.

Finally, because linking claim 16 is allowable for the reasons discussed above, Applicants respectfully request rejoinder and allowance of withdrawn claims 1-4, 6, 12, 15, 17, 18, and 20 (see MPEP § 821.04).

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/hs

Date: April 25, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
|--|